

**California Department of Transportation
Native American Advisory Committee
Quarterly Meeting Minutes
July 24, 2002**

Bo Mazzetti, Vice Chairman, called the meeting to order and welcomed all in attendance.

Roll Call: Dave Nenna, Executive Secretary, called Roll. Committee members in attendance were Samuel Elizondo, Nicholas Fonseca, Joseph Garcia, Sr., Michael Holman, Andrew Masiel, Bo Mazzetti, Joseph A. Myers, Dave Nenna, Irenia Quitiquit, William H. Richards, Sr., Joe Sanchez, Lorenda Sanchez, and Randy Sunberg, Jr. Alternate members in attendance were Cassandra Hensher and Eugene Pasqua.

Adopt Agenda: Motion by Joseph A. Myers; Second by Randy Sunberg, Jr. to adopt the Agenda, with the addition of a new item. Vote was 13 For, 0 Against, 0 Abstain. New item added to the Agenda: Randolph Feliz, Vice Chairperson, Hopland Band of Pomo Indians, requested time to discuss a Title VI complaint.

Approve Minutes: Minutes of the April 10, 2002 meeting were approved. Motion by Andrew Masiel; Second by Joseph A. Myers. Vote was 13 For, 0 Against, 0 Abstain.

Director's Representative: Brian Smith, Deputy Director, Planning and Modal Programs.

OLD BUSINESS:

1. Contracting with Tribes. Joan Sollenberger, Chief, Division of Transportation Planning, indicated that not a lot has changed since her report to the Committee on April 10th. There is still no explicit clear legal direction to contract with Tribes, and the Department is going case-by-case. Some progress has been made with regard to cultural monitoring, as it has not been necessary to seek competitive bids with Native Americans for the monitoring. And, an environmental justice grant was awarded to a private non-profit group.

Brian Smith indicated that the Department would provide a fuller answer to the Committee regarding contracting with Tribes at the next meeting.

Bo Mazzetti asked if the recognition that Tribes can purchase mobile equipment from the Department would help. Ms. Sollenberger responded that the ability to sell the equipment to Tribal Governments was accomplished by an administrative change, not a statutory one.

2. Reauthorization Act. Joan Sollenberger announced that the Department is circulating an agreement of principles among the State's transportation agencies in a concerted effort to bring more funding back to California. Inserted within the agreement is a statement regarding Tribal equity in receiving funding. The statement is based upon information that the Business, Transportation & Housing Agency (Agency) received from Cynthia Gomez, as well as a summary of issues presented by Bo Mazzetti to the Agency, on behalf of the Committee. Bo Mazzetti indicated that the statement is of a general nature, "the State supports Tribes in seeking more funding," but that it is the first time that Tribes have ever been included in the State's reauthorization process.

Cynthia Gomez added that among the issues presented to the Agency was a request for support to return the Indian Reservation Roads (IRR) Program obligation limitation funding to Tribes, rather than the State's surface transportation funding account.

Joan Sollenberger explained that the reauthorization principles that the State supports, and that it is urging all agencies in the State to support, is intended as an unifying statement from California, no matter who goes to Washington, D.C. to discuss reauthorization funding. When queried by Ron Barr, Bishop Paiute Tribe, whether Tribes were traveling to Washington, D.C., Ms. Sollenberger answered that there is not a particular trip for Tribes scheduled, but that her office could put him in contact with groups that are involved in lobbying in Washington, D.C. for equitable funding for California. She directed the NA Liaison Branch to provide copies of the agreement principles to the Committee and Tribal Governments in the State.

3. Legislative Subcommittee Report. Andrew Masiel, Subcommittee Chairperson, briefly reviewed four pieces of legislation. (1) Senate Bill (SB) 1549, meant to provide direction regarding gaming revenues (improvements; funding), was defeated, however, (2) Assembly Bill (AB) 26, a spot bill, was introduced by Assemblyman Horton. If it is not passed, it is expected to be reintroduced in January of 2003. (3) SB 1816, relating to historical resources (Native American sacred sites, violations), is moving well and in the Assembly. No scheduled hearing yet. (4) SB 1828, relating to historical resources (affected Native American sacred sites, California Environmental Quality Act.) Carried by Senator Burton and seems to have a lot of support. Hearing on August 6 or 7.

Mr. Masiel indicated that he would be setting up a procedure for conference calls with his other Subcommittee members and be working with them more closely in the future.

4. Highway Landscaping Subcommittee. Cassandra Hensher reported that the Subcommittee met at the Elk Grove Maintenance Station on July 23rd. Copies of the draft Minutes were distributed. The Subcommittee would like to

focus its effort on working with landscape architects as part of project development so that the architects can learn about the native plants.

Ms. Hensher announced that the Subcommittee would attend a Landscape Architect Academy in Lake Arrowhead the week of September 30, 2002.

5. Environmental Subcommittee Report. Jila Priebe briefly reviewed the activities of the Subcommittee meeting held at Robinson Rancheria on May 23, 2002. One of the topics at the meeting was the confusion regarding cultural resource monitoring. The Subcommittee needs to begin work on a policy to clarify the selection of monitors for the different areas. Ms. Priebe asked for direction from the Committee on drafting a policy for recommendation to the Department to be used when selecting monitors for projects. The Committee directed the Subcommittee to proceed with a recommended policy and requested progress reports.

Irenia Quitiquit, citing one of the monitoring issues being that of identifying different Tribes' ancestral land outside of Tribal trust land, displayed a map produced by Robinson Rancheria that indicates the trust/ancestral land of a number of Tribes in that area. The Tribes worked together in an effort not to overstep others' boundaries.

Greg King, Chief, Cultural and Community Studies Office, mentioned that although there is no legal requirement for monitors, it is the policy of the Department to have them on site. His office is trying to promulgate formal policy direction based upon activities taking place.

Joseph Myers suggested that an emphasis on a training and certification process for monitors is as important as a policy. Jila Priebe indicated that she was trying to learn from the Tribal Technical Assistance Program (TTAP) if training was available for monitors. An additional concern voiced by Mr. Myers is the status of the Department's compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) regarding funerary and other objects in the Department's care. He expressed the need for Native Americans to learn what the Department has and where the repositories are located. Greg King indicated that there are artifacts in 11 Department locations, and that the Department is working with Tribes to repatriate the objects. His office has provided a list of the locations of repositories to the Environmental Subcommittee. Joan Sollenberger said that the Department would review the existing statutory, regulatory and policy guidance prior to the next meeting and report to the Committee at that time.

Mario Orso, NA Liaison, District 11, pointed out how important it is to quantify the costs of monitoring, as project engineers don't know how much to budget for that service. Cynthia Gomez stressed the importance of early consultation with the Tribes by the Department so that these concerns can be addressed long before project delivery.

Jila Priebe announced that the next meeting of the Environmental Subcommittee is scheduled at the Graton Rancheria in Novato on August 22, 2002.

6. Memorandum of Understanding. Jila Priebe announced that the template was complete and had been distributed to the Districts and Tribes.

7. STIP/SHOPP Maps. Jila Priebe announced that the maps in draft form were available and requested that Tribes notify the NA Liaison Branch if revisions were needed.

8. TERO Policy Update. Olivia Fonseca, Deputy Director, Civil Rights, announced that a policy group meeting had been held in Sacramento in May to garner help in drafting a TERO policy. Alex Morales, NA Liaison, Civil Rights, reported that a proposed Deputy Directive has been drafted and sent to Department components for comment. The proposed final document should be together by July 26, and a copy will go to the focus group as well as the Committee for review.

Bo Mazzetti asked Tribal representatives to leave their mailing addresses if they wished a copy of the proposed Deputy Directive.

NEW BUSINESS:

1. Big Sandy Rancheria/Fresno Council of Governments. Chairman Wilbur Beecher, Big Sandy Rancheria, and Ramona Ayala, Transportation Consultant for Big Sandy Rancheria, addressed the Committee regarding the Tribe's efforts to gain membership to the Council of Fresno County Governments (COFCG). Efforts have been underway since March to gain membership, but to date, have not been successful. Chairman Beecher and Ms. Ayala asked what experiences other Tribes are having and wanted to know why the MPOs were being certified when they're not in compliance with Federal law regarding the requirement to include Tribal Governments in their planning. Bo Mazzetti stated that while there are a few exceptions in the State, most Tribes are encountering the same difficulties in gaining membership to the Councils of Government.

Chairman Beecher requested help from the Committee in moving forward with this effort. Following numerous comments and some discussion, Joseph Myers moved that the Committee approve a Resolution recommending to the Director that the Department support the introduction of Tribal Government membership to Councils of Government. Motion by Joseph A. Myers; Second by Michael Holman. Vote was 15 For, 0 Against, 0 Abstain.

At this point in the proceedings, Michael Holman introduced Randolph Feliz, Vice Chairperson, Hopland Band of Pomo Indians, to address the Committee. Vice Chairman Feliz announced that the Hopland Band of Pomo Indians was preparing to submit a formal complaint to the Department against the Mendocino County Council of Governments for its failure to comply with Title VI of

the Civil Rights Act. Olivia Fonseca, Deputy Director, Civil Rights, indicated that the Tribe should send the complaint to her.

Jesse Burnett, Coyote Valley Reservation, announced that the Tribe was also filing a complaint against the Mendocino County Council of Governments under Title VI.

2. Department Policy/Highway Safety. Nancy Atkinson, Tribal Engineer, Yurok Tribe, presented the Committee with a copy of a letter, dated July 16, 2002, that was addressed and sent to Director Jeff Morales regarding Highway 169. The Tribe requested help to improve the safety for travelers on the highway. Ms. Atkinson the Committee to review Department policy and other guidance regarding safety on State highways.

Joan Sollenberger indicated that the Department would have a report on such guidance at the October 23rd meeting of the Committee.

3. Tribal Transportation Plans. Bo Mazzetti described the work of Jo Sanford, Native American Liaison, in preparing traffic study reports for the Tribes within the Reservation Transportation Authority (RTA). Cynthia Gomez reviewed how Mr. Sanford, a Department employee, had been assigned to work with the southern California Tribes as part of a demonstration project approved by Sharon Scherzinger. Mr. Sanford will now assist Tribes in the central and northern portion of the State, beginning with the Yurok Tribe, Robinson Rancheria and the Tuolumne Rancheria. The purpose of the project is to help Tribes prepare their own road plans, document the true mitigation requirements regarding economic development and document the Indian Reservation Roads (IRR) inventory.

4. Title Transfer Procedures for Excess Mobile Equipment Sold to Tribal Governments. Bo Mazzetti reported that some Tribes are experiencing difficulty with transferring vehicle title from the State to the Tribe. The NA Liaison Branch was tasked with reviewing the matter and reporting on what the procedural choices are in changing title on the equipment.

5. AISEC Conference/Proposed Change to NAAC 4th Quarter Meeting Date. Bo Mazzetti reviewed a request by the American Indian State Employees of California (AISEC) to change the next scheduled Committee date from October 23, 2002, to coincide with the annual planned conference of AISEC. Vice Chairman Mazzetti expressed concerns about changing the mission and goal of the Committee, which is to serve as advisor to the Director, to accommodate other groups. Motion by Joseph Myers to stay with the existing schedule; Second by Garth Sunberg, Jr. Vote was 11 For, 0 Against, 1 Abstain.

ANNOUNCEMENTS/OPEN FORUM:

1. BIA IRR Planning Funds Deadline is August 15, 2002.

2. The Tule River Tribal Council received the Governor's Certificate for Employer Excellence for providing outstanding employment services to veterans. They received the award at the annual Employer of the Year Awards and Recognition Luncheon held in conjunction with the California Employer Advisory Council Annual Partnership Conference.
3. Joe Loya, Torres-Martinez, was awarded the California Department of Transportation 2001 Excellence in Partnering Gold Award, June 28th at the State Capitol Park. This awarding event is an annual recognition of partnered contracts that optimize principles of partnering.
4. Tribal Transportation Planning Academy, Department of Transportation Training Center, July 31-August 1, 2002, 8:30 a.m. - 4:45 p.m., Woodland.
5. TERO Training, Department of Transportation Civil Rights Office, August 5-6, 2002, 8:30 a.m. - 4:00 p.m., 1823 14th Street, Room 207, Sacramento.
6. National Indian Justice Center's Third Annual For All My Relations: A Conference on California Indian Families, August 8-10, 2002, Red Lion Hotel, Sacramento.
7. Southern California Indian Center, Inc. (SCIC) Pow Wow, August 23-25, 2002, Orange County Fairgrounds.
8. Next Environmental Subcommittee meeting, August 22, 2002, Graton Rancheria, Novato.
9. AISEC Conference, October 8, 9 and 10, 2002, Jackson Rancheria.
10. Next Director's Native American Advisory Committee meeting, October 23, 2002, Woodland.
11. Certificates of Appreciation were presented to Nicholas Fonseca, Chairperson, Shingle Springs Rancheria, for hosting the June 27, 2002, Tribal Government Training for Department Components and Joseph A. Myers, Executive Director, National Indian Justice Center, for presenting a history of Native California and a review of Indian law.

ADJOURNMENT:

Motion by Joseph Myers to adjourn the meeting; Second by Andrew Masiel. Vote was 12 For, 0 Against, 0 Abstain. The meeting was adjourned at 2:50.50 p.m.

Submitted by: Betty Miller
Native American Liaison Branch

Attendance in addition to Committee members and Director's representative:

Joan Sollenberger, California Department of Transportation
Sharon Scherzinger, California Department of Transportation
Olivia Fonseca, California Department of Transportation
Cynthia Gomez, California Department of Transportation
Jila Priebe, California Department of Transportation
Jo Sanford, California Department of Transportation
Derek Sheldon, Mooretown Rancheria
Aaron L. T-Holstine, Robinson Rancheria
Paul Marquez, California Department of Transportation
Alex Morales, California Department of Transportation
Angel Carrera, California Department of Transportation
Naimah Abd'Allah, California Department of Transportation
Ken Jones, Resighini Rancheria
Jane Perez, California Department of Transportation
Kathleen Zahnizer, California Department of Transportation
Barbara Burke, Bear River Band of Rohnerville Rancheria
Laura Schaufel, California Department of Transportation
Janice McGinnis, Bear River Band of Rohnerville Rancheria
Jesse Burnett, Coyote Valley Reservation
Nancy Atkinson, Yurok Tribe
Wilbur Beecher, Big Sandy Rancheria
Greg King, California Department of Transportation
Ramona Ayala, Big Sandy Rancheria
Ronald I. Barr, Bishop Paiute Tribe
Martin Martinez, Redwood Valley Reservation
Randolph M. Feliz, Hopland Reservation
Kathleen Sartorius, California Department of Transportation
Jody Brown, California Department of Transportation
Lil Hoaglen, Sherwood Valley Rancheria
Jeannine English, Rumsey Rancheria
Mario Orso, California Department of Transportation
Donald Duncan, Guidiville Rancheria
Crystal Maples, Guidiville Rancheria